

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Team # 5	CCRB Case #: 201304347	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/15/2013 6:00 PM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 11/15/2014	EO SOL 11/15/2014	
Date/Time CV Reported Mon, 05/20/2013 1:29 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/21/2013 1:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Butler	02535	948725	103 PCT
2. Officers			103 PCT
3. An officer			103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Butler	Abuse: PO Michael Butler entered the backyard of § 87(2)(b) in Queens.	
B. Officers	Abuse: Officers entered the backyard of § 87(2)(b) in Queens.	
C.POM Michael Butler	Force: PO Michael Butler pointed his gun at § 87(2)(b) and individuals.	
D. An officer	Force: An officer pointed his gun at § 87(2)(b) and individuals.	
E.POM Michael Butler	Abuse: PO Michael Butler entered § 87(2)(b) in Queens.	
F.POM Michael Butler	Force: PO Michael Butler used physical force against § 87(2)(b) and an individual.	
G.POM Michael Butler	Force: PO Michael Butler struck § 87(2)(b) with a radio.	
H. Officers	Abuse: Officers frisked § 87(2)(b) and individuals.	
I.POM Michael Butler	Abuse: PO Michael Butler frisked § 87(2)(b) and an individual.	

Case Summary

On May 15, 2013, § 87(2)(b) filed the following complaint on behalf of her son, § 87(2)(b) and his friends with IAB over the telephone. On May 21, 2013, IAB referred the complaint to the CCRB.

On May 15, 2013, at approximately 6:00 p.m., § 87(2)(b) and individuals only known to him and § 87(2)(b) as “§ 87(2)(b)” “§ 87(2)(b)” “§ 87(2)(b)” and “§ 87(2)(b)” who is also known as “§ 87(2)(b)” were sitting in § 87(2)(b)’s gated backyard at § 87(2)(b) in Queens when PO Michael Butler and two unidentified plainclothes officers of the 103rd Precinct ran into the backyard (**Allegations A and B**). PO Butler and one of the other officers pointed their guns at the group as they entered (**Allegations C and D**). § 87(2)(b) and one of his friends ran into a shed that is connected to § 87(2)(b)’s house. PO Butler followed them inside and dragged them out (**Allegations E and F**). Once outside of the shed, PO Butler struck § 87(2)(b) in his face with his radio and kned him in his mouth (**Allegation G and Allegation F continued**). Simultaneously, the unidentified officers frisked § 87(2)(b) and the remaining individuals against a wall (**Allegation H**). PO Butler frisked § 87(2)(b) and one other individual (**Allegation I**). § 87(2)(b) came outside and spoke with PO Butler who told her that he received a call about a gun in her backyard. The officers left the location without issuing any summonses or making any arrests. § 87(2)(b) sustained swelling to his forehead, but did not seek any medical attention.

IAB identified the subject officer as PO Butler. § 87(2)(b) identified PO Butler by reading his name off of his name plate. She described him as a 30-year-old white male who was 5’9” and had a stocky build and brown hair. § 87(2)(b) described PO Butler as a tall white male. According to the pedigree information listed on his MOS photograph, PO Butler is a 26-year-old white male who is 6’3” and has a heavy build and brown hair. Additionally, ARCS confirm that PO Butler was scheduled to work on the incident date. Without a sworn statement or additional documentation, the investigation could not determine the identities of the remaining subject officers. Therefore, Allegations A, C, E, F, G and I are pleaded against PO Butler and Allegations B and H are pleaded against “officers” of the 103rd Precinct and Allegation D is pleaded against “an officer” of the 103rd Precinct.

On May 24, 2013 and June 3, 2013, please call letters were sent to § 87(2)(b) and § 87(2)(b). These letters were not returned by the United States Postal Service. On May 28, 2013 and May 31, 2013, two telephone calls were made to the telephone number for § 87(2)(b) listed on the IAB log; a message was left the first time, and on the second call, the individual who answered the phone stated that the number did not belong to § 87(2)(b). On June 10, 2013, § 87(2)(b) left the undersigned a voicemail and provided her telephone number. On that same day, the undersigned called § 87(2)(b) who provided a telephone statement and told the undersigned that she would call to provide the CCRB with § 87(2)(b)’s personal telephone number. She was unable to schedule a sworn statement during this conversation. From June 12, 2013 to July 1, 2013, § 87(2)(b) was called four additional times. On the first call, § 87(2)(b) scheduled an appointment for her and § 87(2)(b) for June 28, 2013, which they both failed to appear to without notifying the undersigned beforehand. From June 13, 2013 to July 1, 2013, § 87(2)(b) was called five times; his telephone did not provide voicemail capabilities, but on the fourth call, the undersigned left a message with § 87(2)(b)’s girlfriend, “§ 87(2)(b)”. On June 19, 2013, § 87(2)(b) called the undersigned and provided a telephone statement. On July 16, 2013, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) or § 87(2)(b) was

incarcerated. To date, neither § 87(2)(b) nor § 87(2)(b) has contacted the undersigned to reschedule their sworn statements.

§ 87(2)(b) was only able to provide telephone numbers for § 87(2)(b) and an individual only known to him by the two names, “§ 87(2)(b) and “§ 87(2)(b) § 87(2)(b) and § 87(2)(b) were unable to provide any contact or additional identifying information for any other individual involved. On June 20, 2013, “§ 87(2)(b) who is also known as “§ 87(2)(b) was called. The individual who answered the phone stated that he did not know anyone by the name of § 87(2)(b) and disconnected the call after the undersigned explained the purpose of the call. Without any additional identifying or contact information for the remaining individuals involved in the incident, no additional searches could be done. Therefore, their statements were not obtained.

On June 19, 2013 and June 26, 2013, please call letters were sent to § 87(2)(b) These letters were not returned by the United States Postal Service. From June 19, 2013 to July 1, 2013, § 87(2)(b) was called five times; messages were left each time. During the first call, § 87(2)(b) provided a telephone statement, but he was unable to schedule his sworn statement. On the second call, § 87(2)(b) scheduled a sworn statement for June 26, 2013, which he failed to appear to without notifying the undersigned. On July 16, 2013, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated. To date, § 87(2)(b) has not contacted the undersigned to reschedule his sworn statement.

§ 87(2)(g)

Team: 5

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date